

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Rental
Dwelling License held by
Bruce G. Chen
for the Premises at
2647 Knox Avenue N. Minneapolis,
Minnesota**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on March 7, 2012, at 1:30 p.m. at Room 414, Public Service Center, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing Inspections. Bruce Chen owner of the property located at 2647 Knox Avenue N. and Keith Lynch manager/contact person for the property were present.

After considering all of the evidence presented at the hearing and the arguments presented by both parties before, during and after the hearing, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

Bruce Chen is the owner of the property located at 2647 Knox Avenue N. in the City of Minneapolis. As the owner of the property Bruce Chen applied for and was awarded a rental dwelling license for the property. The rental license application lists Bruce Chen as the owner and Keith Lynch as the contact person and property manager responsible for the maintenance

and management of the rental property. The application lists the address for Keith Lynch as 3507 York Ave. N., Robbinsdale, MN. Applicable property records admitted at the hearing in this matter list Bruce G. Chen and Keith R. Lynch as the owners with Bruce Chen, with a mailing address of 3400 Fillmore St. NE, Minneapolis, MN, listed as the taxpayer of record for the property

This matter was commenced by the City of Minneapolis Housing Inspections Division to revoke the rental dwelling license held by Bruce Chen for the property located at 2647 Knox Ave. N. under Minneapolis Code of Ordinances (M.C.O) § 244.1910 (11)(a). Section 244.1910 (11)(a), "Licensing Standard", requires a rental licensee not to be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

The property at 2647 Knox was inspected numerous times. On November 4, 2009, Housing Inspector Valerie Asante notified the manager of the property, Keith Lynch, that the driveway needed to be repaired by June 10, 2010. This was sent to the address for Mr. Lynch listed on the rental license application, 3507 York Ave. N. , Robbinsdale, MN. A reinspection by the inspector resulted in an administrative citation being issued on June 10, 2010. The driveway continued to be deficient and citations were also issued on July 19, 2010, August 25, 2010, and September 23, 2010. Mr. Lynch appealed these citations and appeared at the subsequent hearing. At the hearing officer found against Mr. Lynch and imposed an order imposing fines in the amount of \$3000.00 of which \$2800.00 was stayed on condition that four inches of class 5 be laid on the ground surface by October 26, 2010.

The premises at 2647 Knox Ave. N. were inspected again and Housing Inspector Parizek on three occasions found that the order had not been followed and she issued further citations on

August 18, 2011 and November 8, 2011. There was also a citation issued on August 17, 2011, but this appears to be for the same violation date and offense as the August 18th citation.

Because of the additional violations, the \$2800 of stayed administrative assessments became due and owing. Notice of Director's Determination of Noncompliance was sent to Bruce Chen in October 2011 citing the failure to both pay delinquent property taxes and assessments for unpaid administrative citations. Mr. Chen failed to respond this notice.

As a result Notice of Revocation, Denial, Non-Renewal, or suspension of Rental License or Provisional was sent to Bruce Chen and Keith Lynch on November 14, 2011 citing the failure to pay the assessments and property taxes as required by M.C.O §244.1910 (11)(a).

In his testimony at the hearing Mr. Chen stated he had not paid the \$200 as ordered on October 12, 2010. At the hearing he introduced an estimate dated March 3, 1012 for work to be done to adequately repair the driveway.

On December 5, 2011, a proper appeal of the revocation was filed by Mr. Chen.

CONCLUSIONS

The City of Minneapolis Department of Housing Inspections issued a valid order requiring Mr. Chen to properly maintain the driveway for property located at 2647 Knox Ave N. The order was properly issued to the contact person for the property, Kevin Lynch. When the drive was not repaired as directed by the City, the Department properly issued valid administrative citations to the contact person for the property, Keith Lynch. Mr. Lynch appealed these citations and was ordered to pay \$3000, of which \$2800 was stayed until October 26, 2010 on condition the \$200 was paid and adequately repairs were performed to the driveway. Neither of these conditions was met and therefore the \$3000 in fines is outstanding and owed to the City as an unpaid assessment.

The Department followed proper procedure in issuing a Notice of Non-Compliance which gave the owner fifteen days to bring the property into compliance with licensing standard M.C.O. § 244.1910(11)(a). The owner has failed pay the assessments arising from the administrative citations as ordered by the hearing officer.

Mr. Lynch's testimony that he did not receive the citations or other notices is difficult to accept. He appealed the administrative citations and was present at the hearing where the findings were made. That hearing resulted in the order which is the basis for the revocation of the rental dwelling license. In addition Mr. Lynch stated at the hearing that the address to which the citations were sent was his correct and current address.

RECOMMENDATION

That the rental dwelling license held by Bruce Chen as owner of the property, for 2647 Knox Ave. N., in Minneapolis, Minnesota be revoked.

Dated March 12, 2012


EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER